

### REMARKS

Claims 32-63 have been rewritten as claims 64-95 to address the objection for the Markush grouping punctuation and the rejection under 35 U.S.C. 112, second paragraph.

The newly presented claims are drawn to laccase variants comprising one or more mutations recited in the claims. Since the transition word "comprising" is used, the claimed variants may have one or more additional mutations that are not recited in the claims.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

#### I. The Objection to the Specification

The Office maintained the objection to the title and the abstract. As stated in the prior response, the abstract fully complies with the requirements of 37 C.F.R. 1.72 and the title accurately defines the claimed invention.

However, in order to advance prosecution, the abstract and the title have been amended as suggested by the Examiner. Applicants therefore submit that the objection has been overcome.

#### II. The Rejection of Claims 32-63 under the Doctrine of Obviousness-Type Double Patenting

Claims 32-63 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,985,818 in view of Yaver et al.

Applicants enclose a Terminal Disclaimer under 37 C.F.R. 1.321 disclaiming the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of the above noted US patent. Applicants, therefore, submit that this rejection has been overcome.

#### III. The Objection to Claims 32-63

The Office objected to claims 32-63 for using improper Markush grouping. This objection is respectfully traversed.

Claims 32-63 do not use Markush language. In order to advance prosecution, claims 32-63 have been rewritten as claims 64-95 to address this objection. Applicants therefore submit that this objection has been overcome.

#### IV. The Rejection of Claims 32-63 under 35 U.S.C. 112


Claims 32-63 are rejected under 35 U.S.C. 112 as being indefinite. Specifically, the Office stated that "the phrase 'having an amino acid sequence of SEQ ID NO: 10' is unclear as to whether this sequence describes the variant or the laccase." This rejection is respectfully traversed.

The specification at page 4, lines 21-22 discloses that SEQ ID NO: 10 is the amino acid sequence of a *Myceliophthora thermophila* laccase. Applicants therefore submit that the skilled artisan would interpret the above-noted phrase as describing the laccase and not the variant. In order to advance prosecution, claim 32 has been rewritten as claim 64 to address this rejection.

#### V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,



Elias J. Lambiris, Reg. No. 33,728  
Novozymes North America, Inc.  
500 Fifth Avenue, Suite 1600  
New York, NY 10110  
(212) 840-0097

Date: July 16, 2003